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T.R.A. DOCKET ROOM

In Re: *Implementation of the Federal Communications Commission's Triennial Review Order (Nine-month Proceeding) (Switching)*  
Docket No. 03-00491

**OBJECTIONS OF IDS TELCOM, LLC TO  
BELLSOUTH'S FIRST SET OF INTERROGATORIES**

IDS Telcom, LLC ("IDS"), in the time established by the Procedural Schedule provided by Director Jones on October 21, 2003, hereby serves its Specific Objections to BellSouth Telecommunications, Inc.'s ("BellSouth") First Request for Production of Documents.

IDS files these objections to comply with the requirements set forth in the *Procedural Schedule*. These objections are preliminary in nature. Should additional grounds for objection be discovered as IDS prepares its responses to any discovery, IDS reserves the right to supplement these objections.

Further, at the time of the filing of these objections, the issues to be addressed in this proceeding have not yet been identified. Should additional grounds for objections develop as the Commission identifies the issues to be addressed in this proceeding, IDS reserves the right to supplement these objections.

**GENERAL OBJECTIONS**

IDS makes the following general objections to the First Set of Interrogatories:

1. IDS objects to the "Definitions" section, the "General Instructions," and the individual items of BellSouth's First Set of Interrogatories to IDS Telcom, LLC to the extent that they are overly broad, unduly burdensome, and/or oppressive. IDS will attempt to identify specific requests to which this objection applies within the specific objections that follow.

2. IDS objects to the “Definitions,” the “General Instructions,” and the individual interrogatories to the extent they are irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence. By way of illustration and not limitation, IDS objects to interrogatories that seek information that is unrelated to or inconsistent with the parameters and methodology of the impairment analysis prescribed by the FCC in its Triennial Review Order. IDS will attempt to identify individual items to which this general objection is applicable within the specific objections that follow.

3. IDS objects to the “Definitions,” the “General Instructions,” and the individual interrogatories to the extent they are vague, ambiguous, imprecise, or utilize terms that are subject to multiple interpretations but are not properly defined or explained for purposes of these Requests.

4. IDS objects to the “General Instructions” and the items of BellSouth’s First Set of Interrogatories to IDS to the extent that they purport to impose discovery obligations on IDS that exceed the scope of discovery allowed by the applicable Florida Rules of Civil Procedure.

5. IDS objects to BellSouth’s First Set of Interrogatories to IDS to the extent that the requests seeks discovery of materials and/or information protected by attorney/client privilege, the work product doctrine, the accountant/client privilege, or any other applicable privilege.

6. IDS objects to BellSouth’s First Set of Interrogatories to the extent that the requests would require disclosure of trade secrets and/or proprietary confidential information that either should not be disclosed at all or should be disclosed only pursuant to the terms of a mutually acceptable confidentiality agreement and the rules and orders of the Commission governing confidentiality.

7. IDS objects to all interrogatories which would require IDS to provide information which is already in BellSouth's possession or is in the public record before the Commission. To duplicate information that BellSouth already has or is readily available to BellSouth would be unduly burdensome and oppressive.

8. IDS objects to BellSouth's First Set of Interrogatories to the extent BellSouth seeks to impose an obligation on IDS to respond on behalf of subsidiaries and/or former officers, employees, agents, and directors on the grounds that such requests for production are overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

9. IDS objects to any interrogatory that requires the identification of "every," "all" or "each" responsive document, as it can not guarantee, even after a good faith and reasonably diligent attempt, that "all" or "each" responsive document will be identified.

#### **SPECIFIC OBJECTIONS TO INTERROGATORIES**

IDS hereby incorporates by reference the above general objections. To the extent possible within the constraints of the expedited time frame for the filing of preliminary objections, IDS will attempt to identify individual interrogatories that are subject to objection. IDS reserves the right to add to or enlarge upon these objections when it files its Answers.

**INTERROGATORY 11:** Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory serviced by the wire center, in which you provide qualifying service to any end user customers in Florida using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

**OBJECTION:** IDS objects to Interrogatory No. 11 on the grounds that, because BellSouth provides each switch that IDS uses to provide service, the information sought by BellSouth is already in BellSouth's possession.

**INTERROGATORY 12:** For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice - grade equivalent lines you are providing to end user customers in that wire center area using an ILEC's switch either on an unbundled or resale basis.

**OBJECTION:** IDS objects to Interrogatory No. 12 on grounds that, because BellSouth provides each switch that IDS uses to provide service, the information sought by Interrogatory No. 12 is already within BellSouth's possession.

**INTERROGATORY 13:** With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 12, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;

(h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;

(i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;

(j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;

(k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;

(l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines;

(m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

**OBJECTION:** IDS objects, with respect to BellSouth's switching, on the grounds that the information sought is already known to BellSouth.

**INTERROGATORY 15:** Identify every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service using: (1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioned switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

**OBJECTION:** IDS objects to Interrogatory No. 15 on the grounds it seeks information that is irrelevant to the issues in this case, and is not reasonably calculated to lead to the discovery of admissible evidence, inasmuch as the FCC has determined in the Triennial Review Order that the impairment analysis to be conducted by the Commission is not to be based on individual carriers' business models. IDS further objects on the grounds the interrogatory seeks discovery of proprietary and confidential business information.

**INTERROGATORY 16:** Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or in part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

**OBJECTION:** IDS objects to Interrogatory No. 16 on the grounds it seeks information that is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, given the FCC's ruling in the Triennial Review Order that the impairment analysis is not to be based on individual carriers' business models. IDS also objects on the grounds the interrogatory asks for proprietary and confidential business information.

**INTERROGATORY NO. 25:** Please state the total number of end users customers in the State of Florida to whom you only provide qualifying service.

**OBJECTION:** IDS objects to Interrogatory No. 25 on the grounds it requests confidential and proprietary business information.

**INTERROGATORY 26:** For those end user customers to whom you only provide qualifying service in the State of Florida, please state the average monthly revenues you receive from each such end user customer.

**OBJECTION:** IDS objects to Interrogatory No. 26 on the grounds it requests information that is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, given that the FCC has ruled in the Triennial Review

Order the impairment analysis is not to be based on individual carriers' business models. IDS also objects on the grounds the interrogatory seeks confidential and proprietary business information. Further, IDS objects because the Interrogatory is ambiguous and unclear. (IDS interprets the Interrogatory to refer to an aggregate number. If BellSouth intends to require IDS to calculate monthly revenues for each customer, then IDS also objects on the grounds that the request is unduly burdensome and oppressive.

**INTERROGATORY NO. 27:** For those end user customers to whom you only provide qualifying service in the State of Florida, please state the average number of lines that you provide each such end user customer.

**OBJECTION:** IDS objects to Interrogatory No. 27 on the grounds it requests confidential and proprietary business information. Further, IDS objects because the Interrogatory is ambiguous and unclear. IDS interprets the Interrogatory to refer to an aggregate number. If BellSouth intends to require IDS to calculate average lines for each customer, then IDS objects on the grounds that the request is unduly burdensome and oppressive, and goes beyond any legitimate discovery need.

**INTERROGATORY NO. 33:** Please provide a breakdown of the total number of end user customers served by IDS in Florida by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity the classification so that it can be determined what kinds of customers you have in each classification).

**OBJECTION:** IDS objects to Interrogatory No. 33 on the grounds it requests confidential and proprietary information.

**INTERROGATORY 34:** For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**OBJECTION:** IDS objects to Interrogatory No. 34 on the grounds that it seeks information that is irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence, given that the FCC has ruled in the Triennial Review Order that the impairment analysis is not to be based on individual carriers' business models. IDS also objects on the grounds that it requests confidential and proprietary business information. IDS further objects on the grounds that the request for information on a monthly basis beginning in January 2000 is unduly burdensome.

**INTERROGATORY 35:** For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

**OBJECTION:** IDS objects to this interrogatory on the grounds it seeks information that is irrelevant to the issues in the case and is not reasonably calculated to lead to the discovery of admissible evidence, given that the FCC has ruled in the Triennial Review Order the impairment analysis is not to be based on individual carriers' business models. IDS further objects on the grounds the interrogatory seeks confidential and proprietary business information. IDS further objects on the grounds that the request for information on a monthly basis beginning in January 2000 is unduly burdensome.



**INTERROGATORY 39:** Describe how the marketing organization that is responsible for marketing qualifying service in Florida is organized, including the organization's structure, size in terms of full time or equivalent employees including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing efforts in Florida, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

**OBJECTION:** IDS objects to this interrogatory on the grounds it seeks information that is irrelevant to the issues in the case and is not reasonably calculated to lead to the discovery of admissible evidence, given that the FCC has ruled the impairment analysis is not to be based on individual carriers' business models. IDS also objects on the grounds the interrogatory seeks disclosure of confidential and proprietary business information. IDS further objects to the question as framed because it is unduly burdensome and oppressive. IDS literally has hundreds of different arrangements with its field representatives. To identify each and every such variation would be unduly burdensome, oppressive, and excessively time consuming.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

Henry Walker  
414 Union Street, Suite 1600  
P.O. Box 198062  
Nashville, Tennessee 37219  
(615) 252-2363

### CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2003, a copy of the foregoing document was serviced on the parties of record, via US mail:

Guy Hicks, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201

Charles B. Welch, Esq.  
Farris, Mathews, et. al.  
618 Church St., #300  
Nashville, TN 37219

Timothy Phillips, Esq.  
Office of Tennessee Attorney General  
P. O. Box 20207  
Nashville, TN 37202

H. LaDon Baltimore, Esq.  
Farrar & Bates  
211 Seventh Ave., N. #320  
Nashville, TN 37219-1823

James Wright, Esq.  
United Telephone – Southeast  
14111 Capital Blvd.  
Wake Forest, NC 27587

Martha M. Ross-Bain, Esq.  
AT&T Communications of the South Central  
States, LLC  
1200 Peachtree Street, Suite 8062  
Atlanta, GA 30309

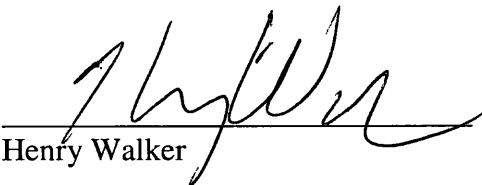
Ms. Carol Kuhnow  
Qwest Communications, Inc.  
4250 N. Fairfax Dr.  
Arlington, VA 33303

Jon E. Hastings  
Boult Cummings Conners Berry, PLC  
P. O. Box 198062  
Nashville, TN 37219-8062

Dale Grimes  
Bass, Berry & Sims  
315 Deaderick St., #2700  
Nashville, TN 37238-3001

Mark W. Smith, Esq.  
Strang, Fletcher, et. al.  
One Union Square, #400  
Chattanooga, TN 37402

Nanette S. Edwards, Esq.  
ITC^DeltaCom  
4092 South Memorial Parkway  
Huntsville, AL 35802

  
Henry Walker